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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 1860—L.W. 257-51-10, dated Bangalore, 17th July 1952.

The draft of the following rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 96 of the Employees' State Insurance Act, 1948 (Central Act No. XXXIV of 1948), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 25th August 1952.

Objections or suggestions received by the Secretary to Government, Law Department, before the said date will be considered by the State Government.

Mysore Employees Insurance Court Rules, 1952.

CHAPTER I.

1. (1) *Short title and commencement.*—These Rules may be called the Mysore Employees' Insurance Court Rules, 1952.

(2) They extend to these scheduled areas to which the Act has been or may hereafter be applied under the Constitution.

(3) They shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Employees' State Insurance Act, 1948 (XXXIV of 1948);

(*b*) "Court" means an Employees' Insurance Court constituted under Section 74;

(*c*) "Form" means a form appended to these rules;

(*d*) "Section" means section of the Act;

(*e*) All other words and expressions used herein and not defined shall have the meanings respectively assigned to them by the Act;

(*f*) "State Government" means the Government of Mysore.

CONSTITUTION OF COURTS.

3. *Composition of the Court and place of sitting.*— (1) A Court shall ordinarily consist of one Judge:

Provided that the State Government may, after consultation with the Corporation, by notification in the Official Gazette, appoint two or more Judges to a Court for any particular proceeding or class of proceedings and for such period as may be specified in the notification.

(2) Subject to the provisions of rule 6, a Court shall sit at such place or places and at such time as the State Government may, after consultation with the Corporation, from time to time specify.

4. *Constitution of the Presiding Officer of a Civil or Criminal Court as a Court.*—The State Government may constitute the Presiding Officer of any Civil or Criminal Court in the State as a Court for the purpose of the Act and such Presiding Officer shall thereupon discharge the functions of the Court in addition to his own duties.

5. *Distribution of business where there are more Courts than one.*—Where more than one Court is constituted for the same local area, the State Government may, after consultation with the Corporation by a general or special order, distribute business among them.

6. *Fixing of time of sitting, etc., where there is one Court for two or more local areas.*—(1) Where one Court is constituted for two or more local areas, the Court shall, subject to the approval of the State Government, appoint the time at which the Court shall sit in respect of each local area or in respect of any class of proceedings under the Act.

(2) A notice of the time appointed under sub-rule (1) shall be published in such manner as the State Government may, from time to time, direct.

7. *Procedure where there are more Judges than one.*—(1) Where more than one Judge has been appointed to a Court, the State Government shall specify their rank and precedence.

(2) The Senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Court among the Judges thereof.

(3) When two or more Judges, sitting together, differ on any question, the opinion of the majority of such Judges shall prevail; where there is no majority, the opinion of the senior-most Judge shall, unless the State Government otherwise directs, prevail.

8. *Abolition, etc., of a Court.*—The State Government may, with the consent of the Corporation, by notification in the Official Gazette abolish any Court or by a like notification alter the jurisdiction of any Court.

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CONDITIONS OF SERVICE OF JUDGES, ETC.

9. *Appointment, salaries, allowances, etc.*—(1) The State Government may appoint a person qualified under Section 74 of the Act to be a Judge of a Court.

(2) A Judge shall receive such salary and allowances as the State Government may, after consultation with the Central Government, from time to time, determine.

(3) A Judge shall receive dearness allowance, compensatory (City) allowance, house rent and other allowances at such rates and subject to such conditions as are applicable to officers of the State Government of a corresponding rank stationed at the same place. A Judge shall be entitled to leave and salary under the leave rules which may from time to time be applicable to other State Government servants of similar status and drawing similar emoluments.

(4) A Judge shall be entitled to travelling allowance for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the State Government such Judge belongs.

(5) A Judge shall be subject to such other conditions of service, as the State Government, may, after consultation with the Central Government, determine.

(6) Notwithstanding anything contained in sub-rules (2) to (5) the pay, allowances, and other conditions of service of a Judge, if he is a person already in the service of the Government, shall be such as the State Government may with the approval of the Central Government, by a general or special order, from time to time determine.

(7) Where the State Government confers the powers of a Court on the Presiding Officer of a Civil or Criminal Court, the Presiding Officer may be paid such additional allowance as the State Government may after consultation with the Central Government, determine.

10. *Appointment of other officers and subordinate staff.*—(1) The State Government may, with the consent of the Corporation, appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and performance of the powers and duties conferred and imposed on a Court by or under the Act.

(2) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge or if there are more Judges than one, the senior Judge may, subject to any order of the State Government, from time to time, direct.

(3) The ministerial officers and the subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the State Government after consultation with the Central Government.

ADMINISTRATIVE CONTROL AND COURT SEAL.

11. *Administrative Control of the High Court.*—A Court shall be subject to the administrative control and superintendence of the High Court, and shall—

(*a*) keep such registers, books and accounts as the High Court, may from time to time, prescribe; and

(*b*) comply with such requisitions as may be made by the High Court or the State Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs.

12. *Seal.*—A Court shall keep a seal of such size, dimensions and design as the State Government may direct.

CHAPTER II.

PROCEDURE AND EXECUTION OF ORDERS.

13. *Application.*—(1) Every proceeding under Section 75 shall be instituted by the presentation of an application to the Court.

(2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) An application under Section 77 shall be presented in Form 1 shall be duly stamped in accordance with these rules, and shall contain the following particulars :—

(i) the name of the Court in which the application is brought;

(ii) the full name including the father's name, description including age, occupation and place of residence of the applicant;

(iii) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;

(iv) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;

(v) the facts constituting the cause of action and the date when it arose;

(vi) the facts showing that the Court has jurisdiction;

(vii) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and

(viii) the relief which the applicant claims.

(3) The Court may summarily reject an application if it is not in accordance with sub-rule (2).

14. (1) *Production of documents.*—When any application is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.

(4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form 2.

(5) Nothing in this rule shall apply to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

15. *Register of applications.*—All applications shall be entered in a register in Form 3, called the Register of Proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

16. *Place of suing.*—In cases not falling under sub-section (1) of Section 76, a proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction—

(*a*) the opposite party or each of the opposite parties where there are more than one, at the time of commencement of the proceedings, actually and voluntarily resides, or carries on business, or personally works for gain, or

(*b*) any of the opposite parties, where there are more than one at the time of the commencement of the proceeding, actually and voluntarily resides, or carries on business, or personally works for gain provided that in such case either the leave of the Court is given, or the opposite parties who do not reside, or carry on business or personally work for gain, as aforesaid, acquiesce in such institution; or

(*c*) the cause of action, wholly or in part, arose.

17. (1) *Limitation.*—Every application to the Court shall be brought within twelve monts from the date on which the cause of action arose or as the case may be the claim became due :

Provided that the Court may entertain an application after the said period of twelve months if it is satisfied that the applicant had sufficient reasons for not making the application within the said period.

(2) Subject as aforesaid the provisions of the Parts II and III of the Indian Limitation Act, 1908 (IX of 1908), shall so far as may be apply to every such applications.

18. *Application presented to wrong Court.*—(1) Where on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return, the reason for returning it and the name of the Court to which it should be presented.

(2) Where it appears to the Court at any stage subsequent to the presentation of an application that the application should have been presented to another Court in the same State, the first mentioned Court shall send the application to the Court empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application under rule 19), accordingly.

(5) The Court to which an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

19. *Issue of Summons.*—(1) On receiving an application, the Court shall, ordinarily within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the 'opposite party'), a summons in Form 4 or Form 5, as the case may be, to appear and answer the application on a day not later than fifteen days from the date of issue of such summons :

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

(2) A copy of the application shall also be sent along with the summons under sub-rule (1).

20. *Service of summons or notice.*—(1) A summons or notice may, on payment of the required fee, be sent by the Court by which it is issued, either by registered post or in such other manner as the Court thinks fit.

(2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reasons the

summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and such service shall be as effectual as if it had been made on the opposite party personally.

(3) Where a summons or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

21. *Additional matters in the summons.*—The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and/or for the final disposal of the application, and the summons shall contain a direction accordingly; the Court may also call upon the parties to produce upon that date any evidence which they wish to tender.

22. *Written statement.*—(1) The opposite party may, and, if so required by the Court, shall, at or before the first hearing or within such time as the Court may permit, present a written statement of his defence along with the documents on which he relies and on accurate list thereof in Form 2.

(2) Every such written statement shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) In every written statement submitted under sub-rule (1) the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admits or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised, would be likely to take the applicant by surprise or would raise issues of fact not arising out of the application as for instance, fraud, undue influence or coercion, release, payment, performance or facts showing illegality of the transaction.

23. *Failure to present written statement called for by the Court.*—Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court, the Court may pronounce judgment against it or make such order in relation to the proceeding as it thinks fit.

24. *Framing of issues.*—(1) At the first hearing of the application, after the summons is served, the Court shall, after considering the application and the written statement, if any, or after such

examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision appears to depend.

(2) In recording the issues, the Court shall distinguish between these issues which in its opinion concern points of fact and those which concern points of law.

(3) The Court may, in like manner, at any time before passing its final order add to, strike out from or in any way amend the issues on such terms as it may think fit.

25. *Order where parties are not at issue.*—Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact the Court may at once pronounce its final order.

26. *Appearance of parties and consequences of non-appearance.*—(1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendances at the Court in person or by their respective legal practitioners or any other person authorised under Secton 79 and the application shall then be heard unless the hearing is adjourned by the Court.

(2) When neither party appears when the application is called on for hearing, the Court may make an order that the application be dismissed.

(3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the Court shall make an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the Court shall make an order against the opposite party upon such admission and where part only of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.

(4) Where the applicant appears and the opposite party after receiving the summons fails to appear when the application is called on for hearing, the Court may proceed *ex-parte*.

(5) Where the application is wholly or partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal apply in Form 6 for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same:

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule 3 unless

notice of the application has been served in Form 7 on the opposite party.

(6) In any application in which an *ex-parte* order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form 6 to the Court which passed the order, to set it aside and if the Court is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, it shall after serving notice thereof to the applicant in Form 7 make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.

27. *Summoning of witnesses.*—(1) At any time after the framing of the issues, the Court may call upon the parties to produce their evidence in support of the issues.

(2) The Court may, on the application of either party, issue a summons in Form 8 to any witness directing him to attend or to produce any document.

(3) The Court may, before summoning any witness on application under sub-rule (2), require that his reasonable expenses to be incurred in attending the Court, be deposited with it.

28. *Grant of time and adjournment of hearing.*—(1) The Court may, if sufficient cause in shown, at any stage of the application, grant time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.

(2) In every such adjournment the Court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the cost occasioned by the adjournment:

Provided that when the hearing of the evidence has once begun, the hearing of the application shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

29. *Right to begin proceeding.*—The applicant has the right to begin unless the opposite party admits the facts alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

30. *Statement and production of evidence.*—(1) On the day fixed for the hearing of the application or on any other day to which

the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

31. *Method of recording evidence.*—The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge, by the junior Judge in the language of the Court, not ordinarily in the form of question and answer, but in that of a narrative, and when completed, shall be read over or translated, where necessary, in the presence of such Judge to the witness, and such Judges shall, if necessary, correct the same and sign it.

32. *Re-call of a witness.*—The Court may at any stage of a proceeding re-call any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

33. *Inspection by Court.*—The Court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

34. *Pronouncement of order.*—The Court, after the application has been heard, shall pronounce its final order in open Court, either at once or on some future day, of which due notice shall be given to the parties.

35. *Signing of order.*—The final order shall be dated and signed in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.

36. *Statement of decision on each issue.*—In cases in which issues have been framed, the Court shall state its finding or decision, with the reason therefor, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

37. *Compromise of suit.*—Where it is proved to the satisfaction of the Court that a case has been adjusted wholly or in part by any lawful agreement or compromise, or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.

38. *Finality of order.*—Save as provided in Section 82, the order of a Court shall be final and binding upon the parties.

COSTS, DECREE, ETC.

39. *Costs.*—(1) The costs of and incidental to the application shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid. The fact that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers.

(2) Where the Court directs that any cost shall not follow the event the Court shall state its reasons in writing.

40. *Contents of the decree.*—(1) A decree in Form 9 shall be prepared in conformity with the order made by the Court; it shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.

(2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportions such costs are to be paid.

(3) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

41. *Certified copies of order, decree, etc., to be furnished.*—(1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expense.

(2) If any party requires copies of any order, decree or any other matter or record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application therefor to the Court, he shall pay an additional fee of two rupees for each such copy.

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, after the expiry of twelve months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of two rupees.

EXECUTION.

42. *Execution.*—(1) Any person in whose favour an order has been passed shall, within one year from the date of the order, apply in Form 10 to the Court which made the order for its execution.

(2) On such application being made, the Court shall send the same together with the necessary record to a Civil Court, of competent jurisdiction, for its execution and such Civil Court shall have the same power in executing such order as if it had been passed by it.

43. *Communication of fact of execution or otherwise.*—The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

CHAPTER III.

FEES AND COSTS.

44. *Fees.*—(1) The fee payable on an application in respect of any matter referred to in Section 75 shall be two rupees.

(2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the Court under these rules shall be annas eight:

Provided that the fee for an application for obtaining a copy or translation of any document or record or statement, order or decree presented to or made before or by the Court, as the case may be, shall be annas two only.

(3) The fee for copies of any document on record, or statement or order of decree shall be such as may from time to time be determined by the State Government after consultation with the Central Government.

(4) The fee for any authorisation for the appearance of any person under Section 79 on behalf of any of the parties in a case shall be one rupee.

(5) The fee for filing certified copies of any document in a Court shall be eight annas.

(6) All fees referred to in this rule and rule 41 shall be collected by means of Court-fee Stamps used in ordinary Courts and no document which ought to bear stamp under these rules shall be of any validity unless and until it is properly stamped:

Provided that where any such document is through mistake or inadvertance received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

(7) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

45. *Payment of cost of services of summons, etc.*—(1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the proceeding rule shall be such amount as may be specified in each case by the Court; and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefor.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the Court to he party by whom or on whose behalf the amount was originally paid into the Court.

(3) The Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

46. *Fees and costs of poor persons.*—The Court may, whenever it thinks fit, receive and register proceedings instituted under the Act and applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in rules 44 and 45.

CHAPTER IV.

MISCELLANEOUS.

47. *Provisions in the Code of Civil Procedure, 1908 (V of 1908), etc., to apply.*—In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 (V of 1908), including the Rules made thereunder and the Indian Evidence Act, 1872 (1 of 1872), shall, so far as may be, apply to proceedings under the Act.

FORMS.

FORM 1.

(*Rule 13*).

In the Employees' Insurance Court at .....

A. B. (add description and residence).....

.....Applicant

Against

C. D. (add description and residence).....

.....Opposite Party.

Other particulars of the application specified in Rule 123 .....

.....

Date .....

Signature of the applicant.

.....

(Verification by the applicant) :

The statement of facts contained in this application is to the best of my knowledge and belief true and correct.

Signature.

Date.....

.....

.....

FORM 2.

(*Rules 14* and *22*).

List of documents produced by $\frac{\text{applicant}}{\text{opposite party}}$

(Title) *e.g.*, Description, subject, name of the Court, No. etc.

No.	Description of document	Date, if any, which the documents bear	Signature of party or Pleader or any authorised representative
(1)	(2)	(3)	(4)

FORM. 3.

Register of Proceedings (*Rule 15*).

Employees' Insurance Court at.....

Register of proceedings in the year 194 .

Date of presentation of application	No. of proceeding	Applicant			Opposite party			Claim		Appearance		Final Order		Appeal		Execution			Other remarks, if any.
		Name	Description	Place of residence	Name	Description	Place of residence	Particulars	Amount or value, if any	When the cause of action accrued	Day for parties to appear	Applicant	Opposite party	Date	For whom	For what, or amount	Date of decision of appeal, if any	Judgment in appeal	Date of application	Against whom	For what, and amount of money	Amount of costs	Date of order transferring to another Civil Court cf..... at.....	

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FORM. 4.

(*Rule 19*)

SUMMONS FOR DISPOSAL OF PROCEEDINGS.

(Title).

To

(Name, Description and Place of residence).

Whereas.....has instituted proceedings against you for..... .....you are hereby summoned to appear in this Court in person or by authorised agent duly instructed and able to anwer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions at.....O' clock in the..... ...noon on the..... day of.....19.....to answer the claim and as the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice, that, in default of your appearance on the day before mentioned the case will be heard and determined in your absence.

Given under my hand and the seal of the Court, this..... day of.....19.....

NOTICE.

1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the proceedings, to avoid execution of the decree, which may be against your person or property or both.

FORM 5.

(*Rule 19*).

SUMMONS FOR SETTLEMENT OF ISSUES.

To

(Name, Description and place of residence).

Whereas ..... has instituted proceedings against you for..... you are hereby summoned to appear in the Court in person, or by an authorised agent duly instructed, and able to answer all material questions relating to the proceedings, or who shall be accompanied by some person able to answer such questions, at..... .....O' clock in the.....noon, on the.....day of .....19.....to answer the claim and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the Court this.....day of .....19... .....

Court.

NOTICE.

1. Should you apprehend your witnesses will not attend of their own accord, you can have a summon from this Court to compel the attendance of any witness and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property, or both.

FORM 6.

(*Rule 26*).

Title.

Subject :—Application for setting aside the ——— order.
ex-parte

The.....above-named states as follows :—
(The grounds of application should be stated).

Date.....

Verification by the applicant. Signature of the applicant.

The statement of facts contained in the application is to the best of my knowledge and belief true and correct.

Date Signature.

Place

FORM. 7.

(*Rule 26*).

GENERAL FORM.

(Title).

To

Whereas the above named..... has made application to this Court that..... You are hereby warned to appear in this Court in person or by Pleader duly instructed at..... .....O' clock in the..... .....noon, on the..... .....day of .....19.....to show cause against the application failing wherein, the said application will be heard and determined *ex-parte*.

Given under my hand and the seal of the Court, this..... day of.....19.....

G. FORM 8.

(*Rule 27*).

SUMMONS TO WITNESS.

(Title)

To

Whereas your attendance is required to ..... on behalf of the.....in the above proceedings, you are hereby required (personally) to appear before this Court on the ..... day of.....19 .....at..... ..... (O'clock in the .....NOON, and to bring with you (or to send to this ..... Court).....

A sum of Rs.....being your travelling and other expenses and subsistence allowance for one day, is deposited with this Court and will be tendered to you on the day you appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908 (V of 1908).

Given under my hand and the seal of the Court, this.....day of .....19 .....

Court.

Notice.—1. If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

2. If you are detained beyond the day aforesaid, a sum of Rs..... will be tendered to you for each day's attendance beyond the day specified.

FORM 9.

(Rule 40).

DECREE IN CASE.

(Title).

Claim for.

This case coming on this day for final disposal before ..... in the presence of.....for the applicant and of .....for the opposite party, it is ordered and decreed that.....and that the sum of Rs..... be paid by the.....to the..... on account of the costs of this suit, with interest thereon at the rate of..... per cent per annum from this date to the date of realisation.

Given under my hand and the seal of the Court, this..... day of.....19 .....

Court.

COSTS OF SUIT.

	Rs.	a.	p.		Rs.	a.	p.
1. Stamp for application ...				Stamp for power ...			
2. Stamp for power ...				Stamp for written statement.			
3. Stamp for exhibits ...				Pleader's fee ...			
4. Pleader's fee ...				Subsistence for witnesses.			
5. Subsistence for witnesses.				Service of summons and notices.			
6. Commissioner's fee ...				Commissioner's fee ...			
7. Service of summons and notices.							
Total ...				Total ...			

FORM 10—(*Rule 42*). APPLICATION FOR THE EXECUTION OF A DECREE.

In the Court of ..... decree-holder, hereby apply for execution of the decree herein below set forth :—

Number of proceeding	Name/s or party/ies	Date of decree	Whether only appeal preferred from decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed	Mode in which the assistance of the Court is required
111 of 1949	A.B.—Applicant. C.D.—Opposite party.	November 11th, 1949.	No.	None.	Rs. 72-4-0 recorded on application, dated the 9th April, 1949.	Rs. 314-8-2 principal. [Interest at 6 per cent per annum, from date of order till payment.]	Rs. a. p. As awarded in the decree ..... Subsequently incurred ..... Total	Against the opposite party C.D.	(When attachment and sale of moveable property is sought) I pray that the total amount of Rs. ..... (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opposite party's moveable property as per annexed list and paid *to me*. (When attachment and sale of immoveable property is sought). I pray that the total amount of Rs.....(together with interest on the principal sum up to date of payment) and the costs of taking out this execution be realised by the attachment and sale of the opposite party's immoveable property specified at the foot of this application and paid *to me*.

I.....declare that what is stated herein is true to the best of my knowledge and belief.

Signed .....

Decree-holder.

Dated the ..... day of ..... 19 .....

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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